SHRI SURESH KALMADI: I have given documentary proof showing that Rs. 17000 were asked from each player. Today is the last day.

MR. DEPUTY CHAIRMAN: It can be decided later on also. We are ascertaining the facts. Now, we will take up the motions. Mr. Home Minister .

V/STATUTORY RESOLUTION RE. CONTINUANCE IN FORCE OF THE PROCLAMATION ISSUED BY THE PRESIDENT ON THE 25TH MAY, 1984, UNDER ARTICLE 356 OF THE CONSTITUTION, IN RELATION TO THE STATE OF SIKKIM

THE MINISTER OF HOME AFFAIRS (SHRI P. V. NARASIMHA RAO): Sir, I beg to move:

> "That this House approves the continuance in force of the Proclamation, issued by the President on the 25th May, 1984, under article 356 of the Constitution, In relation to the State of Sikkim, for a further period of six months ^vilh effect from 25th November, 1984 "

As the House is aware, Parliament has approved on July 23, 1984, the Proclamation under article 356 of the Constitution in respect of the State of Sikkim and the dissolution of the Legislative Assembly of the State. The Proclamation has been issued on May 25, 1984 and remains valid till November 24, 1984. Tlie five-year term of the State Assembly expires in October 1984. However, the Governor hag indicated that certain issues having far-reaching constitutional implications are currently being raised in the State in regard to the representation of different sections of the people in the State Legislature. While these issues are being considered, any electoral process could lead to tensions and disharmony which would vitiate the atmosphere.

Taking into consideration all the circumstances prevailing in the State, the Governor has recommended extension of President's rule by another six months beyond November 24, 1984, All efforts will continue to create conditions of mutual appreciation and understanding of these issues in the true interest of various sections of the people of Sikkim and, indeed, consistent with larger interests of our nation as a whole.

In view of the above, I request this august House to approve the continuance in force of the Proclamation issued by the President in respect of the State of Sikkim on May 25, 1984, for a further period of six months with effect from November, 1984.

The question was proposed.

MR. DEPUTY CHAIRMAN: I think we can finish it early. The issue is limited.'

\-^HRI JASWANT SINGH (Rajasthan): The issue is not limited. But I will try to be brief. The hon. Minister, while seeking approval of the House for extension for another six months, suggested that what were involved were certain issues of far-reaching constitutional importance and some other aspects. Sir, you asked me to start the debate suggesting that the issue is limited. I do not find it easy to subscribe to that viewpoint. Article 356, Governor's recommendations and extension by another six months do bring within the ambit of this morning's discussion what brought about this situation what brought about Nar Bahadur Bhandari's Ministry's dismissal. There are constitutional points which come up. There are ethical and moral grounds and grounds of public propriety which also arise. And the Minister has himself suggested that this debate raises some Constitutional issue. I will now narrate the events preceding or leading to ths Constitu

tional and political crisis in Sikkim. It is well known that tbe Governor of'Sikkim and the then Chief Minister of Sikkim were not getting on the most amicable of terms.

On the 8th May the Parliament adjourns. On the 9th May, Shri Venkatasubbaiah, Minister of State in the Ministry of Home Affairs, goes to Gangtok. The date of 9th May is deliberately chosen because en the dth May the Parliament adjourns and whatever political or other action is to be taken by the State is contemplated on the 9th. Mr. Bhandari not being available, on the 10th he is summoned and Mr. Nar Bahadur Bhandari is attempted to be persuaded by Mr. Venkatasubbaiah to step aside. Because the persuasion failed, on the llth the then Governor, *Mr.* Homi Talyarkhan, dismissed Mr. Bhandari as the Chief Minister without assigning any reason and in a rush Shri Gurung is inducted into office as Chief Minister along witli other Cabinet Ministers...

SHRI P. V. NARASIMHA RAO: I have made a statement on these in both Houses and why is Mr. Jaswant Singh going back now?

SHRI JASWANT SlNGH: The Hon'ble Minister says that part of all this is covered by his statement therefore, why am I now going back into those developments? There is need to repeat all these vital factors before we discuss extension of President's rule in Sikkim for a further period ol six months. I do not think that this whole chronology of events is irrelevant because these events led to a situation of Constitutional and political crisis. It is a fact which is asserted by the Minister himself that there are deep Constitutional and political criteria which invite atlention and there are national issues, ft is precisely for this reason that a narration of the chronology of events is neces-

Mr. Bhandari on the 25th May formed the Sikkim Samgiam Parishad claiming support of 17 out of 32 Members. On the 26th there was a meeting of the Union Cabinet and a special courier is sent to Varanasi for obtaining the signature of the President, who was then in Varanasi, for proclaiming President's ruie in Sikkim. It is necessary to recount all these.

Now, three broad grounds are given for the dismissal of Mr. Bhandari. One is that he has demanded electoral reforms in Sikkim and this is dangeIOUS. The second reason is that he had lost his majority. And Anally, it is said that he is corrupt.

So far as electoral reforms are concerned, I need only repeat here what Hon'ble Minister, Shri P. Shiv Shankar, had said in this very House as Law Minister in 1980.

He said that "the suggestions that have been made can be considered for future elections, but inasmuch as the elections have already been held, 1 commend to the House the acceptance of the situation as it stands as otherwise the election will be in peril and if it is a case of revising the reservation for the future, this matter could be taken cognizance of and the hopes and aspirations of the people can also be considered and a new oolicy evolv, ed." **

One of the aspects which the Government and the ruling party found fault with was that their own Chief Minister was suggesting electoral reforms based on certain kind of representation in the House, giving added weight to the Nepali origin citizens as against the existing system. You felt that thereby a dangerous situation was being created. That could nol have been a sufficient ground for dismissal of a Chief Minister because the Chief Minister was of the ruling party himself and he had on his own assertion come forwaid to put across the Congress Party'* demand. He said: I am putting across the Congress Party's tlian which had been

jjShri Jaswant Singh], accepted in a convention of Congress Party men held in Gangtok at which had collected about 40,000 people and they are now asking me as their leader to put forward this proposal for. change in the representation pattern in the Sikkim Assembly. Therefore, when the Government now comes forward and says that because of this very demand for changes in the electoral law this had to be done, it is very unconvincing because the same party is speaking with two voices. The other ground given was of his having lost the majority in the House. This is a well enough known fact by now. Shri Bhandari admitted to Mr. Kamlapati Tripathi a& a member of the Congress Party that he wa3 wanting to meet the President of the Congress Party and Shri Kamlapati Tripathi is reported to have said —I wiH not quote in full because that will take much time—like this:

> "I do not count for anything. It is the Prime Minister who has to decide everything. So, please go to Mrs. Gandhi."

Then Mr. Bhandari forms his Parishad and even at this stage he has 17 members out 0f the 32 members in the Assembly. The Gurung Ministry, therefore, could not be sustained. AU these facts are very closely linked with the role of the Governors.

Now, before I come to the role of the Governors, I would like to briefly deal with the question of corruption. One of the grounds given for the dismission of Mr, Bhandari is that he was corrupt. I,am rea'ly unable to reconcile myself to this reasoning. We have a former Chief Minister ot Maharashtra against whom there are proceedings in a courts 0f law and whenever corruption charges were levelled against him, the ruling party seriously contemplated, and actually came forward with, amendments to the existing laws so that that corruption could be covered up. Secondly, Mr. Nar Bahadur Bhandari, if he is corrupt, did not become corrupt overnight between the 8th and 9th of May. If his corruption was the manifestation of the extension of his functioning as Chief Minister, then he had been functioning as Congress'Chief Minister and so, how did corruption suddenly emerge between the 8th and 9th of May? In a party full of elements like Mr. Antulay and Mr. Adik, this argument that Mr. Nar Bahadur Bhandari was corrupt and, therefore, they wanted to remove him or wanted to eliminate him does not carry conviction. My substantive objections are constitutional. There are two articles of the Constitution which are involved in the present case: Article 356 and, in the case of Sikkim particularly, article 371F(g). In this context a very brief quote is necessary from a debate which took place in the Lok Sabha in 1975 and it is necessary for me to quote it here to illustrate what I mean by the present Government's assertion that whatever is being done in Sikkim is for maintaining democratic norms. The then Minister—it was Mr. Y. B. Chavan then—was piloting the Constitution (Amendment) Bill and he said in the Lok Sabha like this:

> "The choice as far as Sikkim is concerned, has always been a clear one. Are we to uphold the narrow vested interests of a system to the breaking point or are We to respond to the democratic urges of the people and their freely expressed wiH?".

Just one more quote, a brief quotation:

> "In the final analysis, however, when the constitutional machinery has broken down, when the constitutional head is in an irrevocable confrontation with the elected government"—mark these words—"and when events have reached a point of no return, then our choice ls simple and self-evident, and we can

do more than to respond in full measure ~td" the wishes of the people."

It makes a very ironic reading. We are talking of the wishes of the people and we are talking of the wishes and will of the Sikkimese people and yet a situation has been brought about in Sikkim wherein there was a deliberately engineered confrontation between the Governor and the Chief Minister. Befor$_e$ I come particularly to the role of the Governor, a little elaboration is needed on article 371F (g). Article 371F(g) is a .special provision for Sikkim which empowers the Governor of Sikkim to take certain actions which other Governors do not have. The immediate precedecessor of article 371F(g) was the Government of Ir^dia Act of 1935. And even then, Sir, when article 371F(g) was being considered, it is interesting to note what the Parliament said about that article.

यह सवाल लोकसभा में उठा था उस वक्त कहा गया था गवर्नमेंट आफ इण्डिया एक्ट, 1935 जो बना था उसके मुताबिक यह आर्टिकल 371(एफ) (जी) रखा। उस वक्त कहा गया था आप सिक्किम को एक उपनिवेश के रूप में रखना चाहते हैं, गवर्नमेंट आफ इण्डिया एक्ट, 1935 देख लिया और मुझे लगता है कि यह जो धारा आई है यह सब आपने गवर्नमेंट आफ इण्डिया एक्ट, 1935 में जो धारा गवर्नर के विशेषाधिकारों के बारे में थी उसको ला कर के रख दिया है।

Two articles of the Constitution were misused, article 356 and 371F(g), and it is because of that I stand quite opposed to a further extension. Article 356 was misused because the subjective criteria of Governor's satisfaction, Governor's pleasure, were used not for the sake of the State of Sikkim but for the sake, firstly, of settling partisan, party disputes. This was the first instance in India's indenendent history where a Governor was use strictly to settle what was an internal party dispute. Congress Party was torn by conflict; it was torn by controversy within. And the Governor acted in a manner which was so detrimental to all established constitutional norms because he was involved directly with party conflicts. Article 371F(g) was misused, Sir, because, even though it confers upon the Governor special rights in the case of Sikkim, he did not exercise those rights dispassionately in the interest of Sikkim. He used them out of the consideration of interests only of the ruling party. It is for this reason that I stand to oppose this measure. *{Tim$_e$ bell rings).*

I would like to conclude by what the Minister himself ssid that tnere are other elements involved which are of national security. I put it to you, Sir, that we have witnessed for the last four year$_s$ a deliberate destabihsation of strategic, sensitive border States. The consequences of the destabilisation of strategic sensitive bolder States, whether it is Assam which we witnessed in 1983 or it is Sikkim which we witnessed in 1984 or it is Punjab which we witnessed in 1984 or it i$_s$ Jammu and Kashmir $_w$hich was in 1984, are very grave for the entire security of the nation. The present is not the occasion for me to elaborate on that thing, and I would leave that as a cautionary word with the Government.

Sir, just two or three sentences before I conclude. A question is often brought out: Join the mainstream of nation's life. If this is the mainstream that you talk of you sully it by political opportunism, by political shortsightedness, by political closed door in-flighting, then that mainstream no longer remains the pure Ganga; it becomes a ~*hullah', politically polluted 'nullah'. Therefore, there are difficulties that we face today in the country, whether it is Andhra Pradesh, whether it is Punjab or it is Sikkim

[Shri Jaswatnt Singh].

or it is Pondicherry. Sir, about the role of Governor...

/SHRI RAMANAND YADAV (Bihar): Mr. Jaswant Singh.... *(Interruptions).*

j SHRI JASWANT SlNGH: **I** would appeal to the Government to...

SHRI RAMANAND YADAV: Mr. Jaswant Singh..

^SHRr JASWANT SINGH: It is the last day, Mr. Yadav. Please do not render their role like functionaries, like merely a party functionary, let them behave like Governor. The Governor of Andhra Pradesh had **to** leave in the middle of the night, escorted by police, armed constabulary, to catch a plane to Delhi, merely because he acted in a partisan manner. You reward Mr. Talyar Khan for what he has done by sending him as ambassador to Rome. You reward Mr. Chandy for what he does in Chandigarh by sending him to Gujarat. These are not matters with which the nation can play. It may give you temporary satisfaction. I would like to conclude with just one sentence. Tlie fabric of Indian polity is getting weaker. I am not going to be convinced by assertions to the contrary from the Government. It. is getting weaker precisely because of the Governments actions. Temporpry victories deluded and blinded the visions of the ruling party to rule in Delhi and elsewhere. A unified nation does not mean a subjugated nation under one ruler. The diversity of this nation, the multifaced beauty of the nation and the social tensions that have been generated on account of the misgovernance of this Government under one ruler, whether of the Governor or of a military ruler, will not solve tfie"prob lems. Sikkim, Sir, has a special consideration. It is one of the few remaining enclaves of Buddhist civilisation. With the death of Tibet and with the near demise of Ladakh, It is only "Sikkim and Bhutan in which there is residual Buddhist civilisation which continues to exist. It is India's responsibility to see that that Buddhist civilisation which finds its tiny little enclave in Sikkim, continues to thrive. These are some of the considerations. I would have appre-iated if the Minister had taken them into account.

SHRI P. V. NARASIMHA RAO: Mr. Jaswant Singh, would you kindly let me know where I have said anything about security in my statement? You were just referring to it.

SHRI JASWANT SINGH: You said that there are national interests involved.

SHRI P. V. NARASIMHA RAO: There is no need I just wanted to out that I did not say that security or security matters are involved in this. Something clse is involved. I will tell you what it is later.

SHRI JASWANT SINGH: National interest cannot be excluded from national security. It is a matter of interpretation and if the hon. Minister wishes to employ the interpretation on one side...

SHRI P. V NARASIMHA RAO: It is not a question of interpretation. You said in so many words that I said "security interests". That is why I wanted the record to be corrected.

SHRI SUKOMAL SEN (West Bengal): It is no other instance of how the ruling party and the Goverament are committing an outrage on the federal structure of our Constitution and our country. Sir when Sikkim was brought under President's rule and when Naz Bahadur Bhandari's Ministry was dismissed by the Governor, at that time all the national opposition parties had raised an alarm that what had happened in Sikkim was not an isolated instance. These things had happened earlier also and these things are going to be repeated elsewhere also. We find that following Sikkim something happened in Jammu and Kashmir and then something happened in Andhra Pradesh. So, it is a chain of events. In our country,

the Governors are playing a role which is designed to subvert the popular mandate. The Sikkim Govern-ment came into power after getting the popular mandate and the Chief Minister was dismissed. He wag not voted down in the Assembly. There was a No-Confidence Motion against him. But the Governor took this opportunity to dismisa him. What were the charges the Goveii brought against him? I find thai in his letter to the President dated 25-8-84 seeking President's rule, the Governor said that action wns required to be taken in view of the grave charges against shri Nar Bahadur Bhandari of massive corruption, maladministration anti-national activities, arbitrary functioning \n disregard to the constitutional provisions Now, Mr. Bhandari is a member of the Congress Party. If he li;id really indulged in massive corruption or in other malpractices, I would like to know what they have done Io restrain him at the party level. T find that article 356 is being invoked to settle ;ome party problems inside thfe State of Sikkim because in Sikkim, Sir, there was no Congress Party as such before 1901. It was the Sikkim Janata Parishad whbh *en masse* converted itself into the the Congress Party in 1981 Since then it is functioning in the name of Congres (I), And, then I find that even after dismivshg Nar Bahadur Bhandari, the Governor of Sikkim, installed another Bhim Bahadur Gurung as the chief Minister. "What happened, Sir? It ls not onlv *fad,* it u. a sordid story. I would like to quot,, from the Governor's letter itself The Governor says. "Immediately after the dismissal of Shri Bhandari'R Ministry on the morning of llth May, 1984. the new four-man Ministry headed by Shri Bhim Bahadur Gurung wns swom-in the same morning. Af a meeting *Oi* the Congres (I) Legislature Party held on the 12th May. as many a^ twenty member,, of the Legislative Assembly of the Party whole-heartedly congratulated Shri Bhim Bahadur Gurung on his becoming the Chief Minister ana had pledged lull support in writing for his I leadership. The Members expressed i their satisfaction regarding the change." Then it goes on to say "On 16th May, 1984, five morе Ministers were sworn in. Thereafter one Minister Shri Ram Lepeha, one of the twenty MLAs, who had extender his full support in writing, together others resigned OM the 20th May, 1984. On'21st May two more Ministers were sworn in and the strength of the Cabinet raised to ten. Since 1 there have been frequent shifts of legislators."

So, Sir, it was not an opposit- , ot a coalition Government. It was a Congress Government. You dismi one Congress. Chief Minister and you another Congress Chief Minister. And when the Congress Members started shifting loyalties, Then you invoked article 356 to bring the State under the President'^ rule. Sir, the charge of corruption against Mr. Bhandari is there. I am not ho'ding any brief for any corrupt Chief Minister, although I know that the Congress Party is fu'l to the brim of such people like Antulay, Adik and so many others. And, I can cite example,; where in the past a commission of inquiry instituted to inquire against a Chief Minister and the commission found the Chief Minister guilty of corruptio I. stil] the Centre did ;|"" dismiss hirn. Sir, 1 want to cue one case. . . (Time *bell rings).*

MR DEPUTY CHAIRMAN: Leave

STRI SUKOMAL SEN: Sir. for instance, in Partap Singh. a civil surgeon of Jullundur versus the State of Punjab the Suoreme Court on September 2, 1963, found Sardar Parian Singh Kairon guiHy of corruption and of misusing hig power. But still the Governor took no steps to remove him. In this case the charge of corruption was proved against the Chief Minister and stil] the Chief Minister was not dismissed Here against Mi. Gurung you di(j not institute any in-

quiry and without any inquiry you dismissed him as corrupt just for his style of functioning. I feel that this is the arbitrary functioning of the Governor himself. I know that under our Constitution the Governor's power is being arbitrarily used in many Instances whether in the past or in the present. Here in our Rajya Sabha itself we have one ex-Govemor, Shri A. P. Sharma, and he knows very well how much a Governor's power can be misused in State. *(Time bell rings),*

MR. DEPUTY CHAIRMAN: Unnecessary.

SHRI SUKOMAL SEN; Mr A. P. Sharma knows very well. The Sikkim affair is a black chapter... (Time 'bell rings). Unfortunately he is not here. He knows very well what he has done.

MR DEPUTY CHAIRMAN: Please conclude now. (Time bell *rings).*

SHRI SUKOMAL SEN. Only five minutes, Sir. Everybody knows how Mr. Talyar Khan left Sikkim. ' (Interruptions) .

SHRI P. V. NARASIMHA RAO: Kindly cal] Mr A. P. Sharma, to provide further provocation.

SHRI SUKOMAL SEN: How Mr. Talyar Khan was sent.. *(Interruptions).* Why are you interfering? Sir, you allow me ten minutes.

MR. DEPUTY CHAIRMAN: I am sorry, Mr. Sen, you have already taken your time.

SHRI pIIKOMAL SEN: You are nol the Governor; you cannot act arbitrarily. At least, you give me fome time. Governors are misusing their office. You know how Mr. Ram Lal acted in Andhra Pradesh and had to leave, and Mr A- P. Sharma had to leave Calcutta... (foterrttptkuM)- Governors misuse th^ position. So, I cannot support it

MR. DEPUTY CHAIRMAN: Please conclude.

SHRI SUKOMAL SEN. I am concluding. I cannot support the Resolution moved by Shri Narasimha R'iO, It should be withdrawn. I condemn the move to continue Governor's rule in Sikkim.

•SHRl R. MOHANARANGAM (Tamil Nadu): Mr. Deputy Chairman, I would like to. speak on this issue in mv own language for the simple reason that we have decided to speak in our language at least once in 2 or 3 months. That ic, the reason of my speaking in Tamil. *(Speech continued in Tamil).*

Sir, the Hon Home Minister seeks the approval of this House, for extending the President's rule in Sikkim from 25th November 1984. During 7 years of my parliamentary life, this is the first time I am speaking in Tamil and the hon. Minister of Home Affairs, Shri P. V Narasimha Rao and the Minister of State for Home affairs Shri Venkat Subbaiah do understand Tamil.

Since the day of its in corporation i'n the Constitution of India, Article 356 has been an article of controversy and conflict. Even at that time, in the Constituent Assembly one section opposed the Article 356 and another section voiced support for it. The record* of the Constituent Assembly would reveal the views of varying hues expressed bv the Members on the inclusion of Article 356. Today this article has become an issue of debate and deliberation. So far as my party, the All *»dia Anna D M K is concerned, we want that Article 356 should be deleted from the Constitution of India. The Constitutional Pundits may argue about the method of its deletion bv amending the Constitution. The Constitution is not Bib'e or Quran or any vedic litera-

♦English translation of the original speech delivered in Tamil.

ture, which should be imprinted indelibly in the minds of the people. It can be amended and it should be amende^ whenever and wherever necessary. In 1950, when the Constitution was being discussed in the Constituent Assembly, Pandit Jawaharlal Nehru started in unequivocal terms that when the world was in a turmoil and when we were passing through a period of transition what we did today would, not be wholly applicable tomorrow. Panditji was a statesman who could foresee the events to come about. Now Article 856 has bcome a convenient handle for achieving political objectives which cannot be had through democratic channels

In 1980 Tami Nadu was having a benevolent Government led by our beloved leader Dr. Puratchi Thalaivar Thiru M. G. Rama Chandran The Statg Administration was geared to serve the interests of the Common people. It was an example for emulation by other States which wanted to meet the basic needs of the people. In fact Tamil Nadu Government was a beacon light for the entire country. There was national and international approbation for the achievements of the State Government, particularly in respect of efforts for upliftment of down-trodden. Along with the dismissal of 8 State Governments, the ADMK Government wag dismissed on the sole argument that it had been defeated in parliamentary elections. Article 356 was used with impurity. At that time the staunch supporter of State autonomy my hon. friend Shri Murosoli Maran supported the use of Article 356. Three months after AI-ADMK came back to power with resounding success, Gur hon. Minister Thiru P V. Narasimha Rao and Thiru Murasoli Maran were going about in Tamil Nadu in complete understanding and mutual appreciation. After the success of AIADMK, which had been ensured by the highest court in the country, i.e. by the people of Tamil Nadu, if the Congress-I and DMK MPg from Tamil Nadu had resingned en *masse* I would have appreciated then political sagacity and sincerely to democratic ideals. No, they are continuing merrily $v»a to-

The Constitution had been raped and ravaged several times. Ita prestige purily has been sullied byond repair. I had categorically stated during diacussion ©n Punjab situation that AI ADMK was totally opposed to Article 356 of the Constitution.

I repeat the stand of my party again. We are opposed to Article 356. From 25 November 1984 the President's rule is to be extended in Sikkim. Does that mean you are not going to convene a session of this House before 25 November, 1984 and that is why you are getting this approved just now? Does this mean that along with General Elections you are not going to hold elections in Sikkim and that is why you are getting this resolution approved? Kindly tell us categorically your course of action so that we are clear in what we do. Since we are with you, I extend my support to this Resolution.

डा० महावीर प्रसाद (शिवहर) : उपसभापति महोदय, सरकार की यह मांग मेरी समझ में उचित नहीं है। उचित इसलिए नहीं है कि जो सरकार दिल्ली में है, अगर उसके इशारे पर राज्यपाल अपने विवेक की दृष्टि को खो देता है और ऐसा काम करता है, जो उसके व्यक्तित्व के अनुरूप नहीं होता है बल्कि किसी दल के अनुरूप होता है, तो निश्चित तौर पर राज्यपाल का यह काम निंदनीय है और राज्यपाल को ऐसी ताकत नहीं देनी चाहिए, जिससे कि जनता जिसके बल पर जो शासन कायम होता है, या जनता जिसके प्रतिनिधि के माध्यम से इस देश में या प्रदेश में शासन चलाना चाहती है, उसकी प्रतिष्ठा खो जाती है।

[डा० महावीर प्रसाद]

उपसभापति महोदय, सिक्किम में जनतांत्रिक सरकार आ जाए, इसमें हिन्दुस्तान की सरकार को क्या आपत्ति है हिन्दुस्तान की सरकार को क्या दिक्कत है ? हर छह महीने के बाद अगले छह महीने के लिए वहां क्यों राष्ट्रपति शासन की अवधि को आप बढ़ाना चाहते है ? अच्छा तो यह होता, उचित तो यही है है और जनता की इच्छा भी यही होती है कि निश्चित तौर पर उसके द्वारा चुने हुए प्रतिनिधि ही शासन करें। मैं धाराओं का उल्लेख नहीं करना चाहूंगा, धाराएं है। धाराओं में अक्षर पढ़े जाते हैं, लेकिन जो उसके पीछे भाव होता है, उसको नहीं देखा जाता है उसको नजर-अंदाज किया जाता है और अक्षरों के अलग अलग अर्थ किए जाते है उन पर तर्क वितर्क किए जाते है। इसलिए जिन धाराओं के माध्यम से हम राज्य करना चाहते है उसमें यह नहीं लिखा होता कि राज्यपाल बर्बरता पूर्ण दृष्टि से किसी राज्य के बारे में किसी शासन के बारे में विचार करे। महोदय, चाहे इस पक्ष के लोग हों, चाहे उस पक्ष के, जब वे स्वयं अपने आप विचार करते होंगे, जब अकेले होंगे, जब उन के हृदय की धड़कने काम कर रही होती होंगी, जब वे संवेदनशील रहे होंगे तो निश्चित तौर से जानेंगे कि क्या हरियाणा के राज्यपाल तपासे ने भजनलाल की सरकार के निर्माण के समय जो काम किया वह उचित था, क्या आज आन्ध्र में जो रामलाल ने काम किया वह उचित था और पांडिचेरी में राज्यपाल ने जो काम किया वह उचित था। जब तीन वर्षों तक वह सरकार ठीक ठाक रही, जब तक कांग्रेस के साथ गठबन्धन रहा वह मुख्यमंत्री था, जब कांग्रेस से गठबन्धन टूट गया वह खराब हो गया। ऐसा नहीं होता। इस तरह से मैं कहना चाहता हूं कि सदन में बहुमत रहते हुए किसी सरकार को हटा देना निश्चित रूप से उचित नहीं है। महोदय, आप भी जानते है, सदन के सभी लोग जानते है, स्पीकर्स कांन्फ्रेन्स में और दूसरे मौकों पर भी यह फैसला लिया गया है सर्वसम्मति से हुआ है---कि कोई मुख्यमंत्री बहुमत में है या नहीं है इसका फैसला सदन में होना चाहिए। लेकिन आज सदन में न होकर राज्यपाल के कमरे में होता है और राज्यपाल के कमरे में जो फैसले किये जाते हैं वे जनता की आंखों के सामने बेनकाब हो जाते हैं कि उसने अपने विवेक का उपयोग नहीं किया है, विवेक को बेचा है, विवेक की दृष्टि को निश्चित रूप से निन्दनीय बनाया है। मैं कहना चाहता हूं कि राज्यपाल को जो शक्ति दी जाती है राज्य में शासन चलाने के लिए उससे उसको वंचित किया जाना चाहिए। जनता, जिसकी शक्ति पर हम देश को चलाना चाहते है, उसे अधिकार देना चाहिए, उस के प्रतिनिधियों को मौका देना चाहिए।

मैं अन्तिम बात यह कहना चाहता हूं कि राष्ट्रपति शासन से हमे विरोध नहीं है आपात स्थिति में, ऐसी स्थिति में जब हम चुनाव नहीं करा सकते, दूसरी व्यवस्था नहीं करा सकते तो राष्ट्रपति शासन के माध्यम से उस राज्य में काम चलाएं लेकिन जब इच्छा हो राष्ट्रपति शासन लगा दें, जब इच्छा हो द्रौपदी के चीर की तरह उसे बढ़ाते चले जायं तो वह संविधान की धाराओं में निहित कार्यों के विपरीत होगा। इस लिए मैं कहना चाहता हूं कि राष्ट्रपति शासन की प्रवृत्ति जो देश में बढ़ रही है उस को कम किया जाये, राज्यपाल के विवेक पर अंकुश लगाया जाय और लोक तंत्र की शक्ति को मजबूत किया जाय। इन्हीं शब्दों के साथ मैं चाहूंगा कि सिक्किम में राष्ट्रपति शासन बढ़ाने की अनुमति न दी जाये।

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश): मान्यवर, प्रस्ताव में कहा गया है कि 25 नवम्बर, 1984 से 6 महीने के लिए सिक्किम में राष्ट्रपति का शासन और रह सकता

अभी इस को 3 महीने बाकी है, क्या ऐसी जरुरत हो गयी कि जब 3 महीने बाकी है राष्ट्रपति शासन को बढ़ाने का प्रस्ताव हो। यह मेरी समझ में नहीं आता । तीन महीने के अन्दर क्यों नहीं राष्ट्रपति शासन के रहते हुए वहां जनता द्वारा चुनी हुई विधानसभा और उनके द्वारा चुनी हुई सरकार को बैठा दिया जाय । यह जीता जागता उदाहरण है इस बातका कि धारा 356 का दुरुपयोग किस हद तक हो सकता है। मान्यवर यह प्रक्रिया 58 में शुरु हुई पहली मर्तबा जब कांग्रेस पार्टी के अध्यक्ष ने -- तब उन के पिता जी प्रधान मंत्री थे ..केरल में श्री ई० एम० एस० नम्बूदरीपाद को विधिवत चुनी हुई सरकार को गिराया और इस आधार पर कि यद्यपि वह बहुमत की सरकार थी लेकिन वहां कानून और व्यवस्था नहीं थी और जब वह स्वयं प्रधान मंत्री बन गयी। मैं पिछले इतिहास में नहीं जाना चाहता --- तो जितने भी सीमा से जुड़े हुए राज्य है, चाहे पांडिचेरी हो चाहे जम्मू और काश्मीर हो, सिक्किम हो, सभी में चुनी हुई विधान सभाओं और सरकारों को गिराया जा रहा है। आन्ध्र का मामला जीता-जागता सामने आ गया है जिसमें वहां के राज्यपाल को बलि का बकरा बनाने की साजिश करनी पड़ी ।

सिक्किम विधान सभा की जो संख्या थी वह 32 थी। कांग्रेस पार्टी के मुख्य मंत्री श्री नर बहादुर भंडारी वहां पर मुख्य मंत्री थे संविधान निर्माताओं की यह मंशा नहीं थी कि किसी भी दल का सत्ताधारीदल का जो आन्तरिक संकट हो, आन्तरिक कलह हो उस का समाधान करने के लिए, धारा 356 का दुरुपयोग किया जाये ।

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विधान सभा को भंग किया जाए या वहां की सरकार को जबर्दस्ती से बर्खास्त किया जाए । श्री वेंकटसुब्बैया गृह राज्य मंत्री हैं । जब भंडारी साहब को वहां से हटाया जाता है तो कांग्रेस पार्टी उन्हीं की केबिनेट के वित्त मंत्री श्री गोरंग को मुख्य मंत्री बनाती हैं । नरबहादुर भंडारी जी यह कहते हैं कि 34 में से 17 कांग्रेस पार्टी के सदस्य हमारे साथ हैं । साफ-साफ बहुमत है । 34 में से 17 कांग्रेस पार्टी के सदस्य विधान सभा के राज्य पाल श्री हौमी तैय्याल खां को लिख कर देते हैं तब भी नरबहादुर भंडारी जी को राज्यपाल तैय्याल खां नहीं बुलाते हैं । वेंकटसुब्बैया साहब कांग्रेस पार्टी के नेता हैं और गृह राज्य मंत्री हैं । लेकिन जहां-जहां सरकार गिरानी होती है वहां पर वह भेजे जाते हैं । कई प्रदेश की सरकारें गिराई गई हैं वहां पर गृह राज्य मंत्री गये थे । गृह राज्य मंत्री श्री वेंकटसुब्बैया वहां पर जाते हैं, सिक्किम में जाते हैं और नर बहादुर भंडारी जी से कहते हैं कि आप इस्तीफा दे दीजिए । नर बहादुर भंडारी जी ने कहा कि मेरे पास बहुमत है, पूर्ण बहुमत है, हमारी सरकार वहां पर बननी चाहिये । उनको थ्रेट दिया गया था कि हम तुम को जेल भेज देंगे । इसके बाद उनके ऊपर भ्रष्टाचार के आरोप लगाये गये । क्या वजह थी जिस दिन नरबहादुर भंडारी मुख्य मंत्री थे उस दिन तक कोई भ्रष्टाचार का आरोप उन पर नहीं लगाया गया । मान्यवर, मेरा निवेदन यह है कि किसी भी लोकतंत्र में जो लोग जनता के वोट से चुन कर गद्दी पर बैठे हुए हैं, प्रधान मंत्री, गृह मंत्री बने हुए हैं, वे लोग किस हद तक संविधान की हत्या कर रहे हैं, लोकतंत्र की हत्या कर रहे हैं और किस हद तक जनता की इच्छाओं के खिलाफ काम कर रहे हैं, यह उनका जीता-जागता उदाहरण है । इसलिये इसके विरोध में मेरा प्रस्ताव है ।

श्री चतुरानन मिश्र (बिहार) : उपसभापति महोदय, यह अत्यंत दुखद स्थिति है कि फिर दिल्ली के जरिये एक और राज्य सिक्किम में शासन चलाने की कोशिश हो रही है ।

श्री उपसभापति : यह तो पहले से चल रहा है, इसको आगे बढ़ा रहे हैं ।

श्री चतुरानन मिश्र : आगे बढ़ाने की फिर जो कोशिश है यह अत्यन्त ही दुखद और जलज्जाजनक स्थिति है । क्योंकि किसी भी रिप्रजैन्टेटिव गवर्नमेंट का कोई दूसरा रिप्लेसमेंट नहीं हो सकता है, चाहे आप कितनी भी कोशिश करें । मै कुछ दिन पूर्व सिक्किम गया था । मुझे ऐसा लगा कि वहां के निवासी हमारे भारत के साथ विलय के काफी पक्ष में हैं । यह अच्छा ही है । यह घटना घटी । इससे लोग हमारे उस वक्त के गवर्नर के अत्यन्त आलोचक थे और इस बात के भी काफी आलोचक थे कि भंडारी साहब को इस नाजायज ढंग से हटाया गया । शासक पार्टी के लोग अक्सर कहते हैं कि विरोधी पक्ष हम को बहुत तंग करते हैं इसलिये ठीक से राज नहीं चला सकते । हमारे कांग्रेस के मित्र कह रहे थे कि अगर विरोधी लोग चुप हो जाए तो ज्यादातर राज्य में यह अपनी सरकारों को अपने आप उलट कर रख देंगे । यह हमारे कांग्रेस के मित्र कह रहे थे । ऐसी दुखद स्थिति हो गई है कि शासक पार्टी सबसे बड़ा डी-स्टेबलाइजर का काम कर रही है । सिक्किम स्टेट ऐसा है जो सीमा पर है और सीमा पर जो राज्य हों उसके साथ इस प्रकार का खिलवाड़ नहीं होना चाहिये । इसलिये मैं चाहूंगा कि अविलम्ब वहां रिप्रजेन्टेटिव गवर्नमेंट, जनता से चुने हुए लोगों की होनी चाहिये । उन्हे वहां अपने ढंग से सरकार चलाने देना चाहिए 9–10 राज्य में मिलिटरी के बल से राज चल रहा है । कई राज्यों में 10–15 वर्ष से मिलिटरी के जोर से राज चल रहा है इसे हम यह कह सकते हैं कि यह फौजीकेसी की सरकार है । इसलिये हमारा यह कहना है कि जल्द से जल्द सिक्किम में रिप्रजेन्टेटिव गवर्नमेंट की कोशिश की जानी चाहिये ।

मैं एक-दो प्रश्न पर और भी वहां के बारे में चर्चा करना चाहूंगा । चूंकि मैं वहां गया था मुझे वहां की स्थिति की कुछ जानकारी है । इस देश में 35 वर्षों से आप राज चला रहे हैं लेकिन देश में अनेक छोटी छोटी आबादी वाली भाषा की समस्या का अभी तक निदान नहीं हुआ है । सिक्किम की आबादी में लगभग 75 प्रतिशत नेपाली लोग हैं । वे नेपाली बोलते हैं और दूसरे राज्य में भी नेपाली भाषा-भाषी लोग हैं । आप से निवेदन है कि नेपाली भाषा को आप मान्यता प्रदान कीजिए और उसको आठवीं सूची में लाइये । यह हंगामा कब से उठ रहा है लेकिन इसका निदान नहीं किया जा रहा है । मैं चाहूंगा, मैं कांग्रेस से अनुरोध करूंगा कि कम से कम इस भाषा के बारे में आप जल्द से जल्द निर्णय ले ।

क्योंकि सिक्किम के बगल में नेपाल है जो हमारे खिलाफ इस संबंध में प्रचार कर सकता है । सिक्किम के अलावा भी नेपाली ओरिजिन के लोग हमारे देश में भी रहते हैं । अगर आप उनको नेपाली भाषा का अधिकार दे देते हैं तो इससे हमारे देश का कल्याण होगा और पड़ोसी राज्य नेपाल के साथ भी हमारी अच्छी स्थिति बनी रहेगी । इसलिए मैंने आपका ध्यान इस तरफ आकर्षित किया है ।

दूसरा, मैं आपका ध्यान इस बात की तरफ दिलाना चाहता हूं कि करीब 20–25

हजार आदमी सिक्किम में ऐसे हैं जिनको सिटिजनशिप का सर्टिफिकेट नहीं मिला है । आप जानते हैं कि सिक्किम में एक पद्धति है जिसमें सिटिजनशिप सर्टिफिकेट मिलता है । ये सारे स्टेटलैस पीपुल हैं । जब आप यहां पर श्रीलंका के बारे में इतना हल्ला करते हैं तो सिक्किम के इन लोगों के बारे में क्यों नहीं सोचते हैं, यह मेरी समझ में नहीं आता है । ये सिर्फ 20–25 हजार आदमी हैं अभी जिस ढंग से उनको रखा गया है, यह अच्छी चीज नहीं है । मैं यह नहीं कहता कि जितने लोग बाहर से वहां जायें उन सब को आप नागरिकता दे दीजिये । वहां के लोगों का आदेश यह है कि बाहर के लोग, बिहार के लोग, मारवाड़ी लोग और दूसरे लोग बिजनैस करने के लिए वहां जाते हैं और सारी चीजों पर अपना कब्जा कर लेते हैं । वहां के लोग बिजनेस में लगभग नहीं हैं ।

इसके अलावा मैं सरकार का ध्यान इस बात की ओर भी आकर्षित करना चाहूंगा कि मैंने वहां देखा कि वहां से बड़ी इलायची बाहर भेजने का व्यापार होता है । लेकिन वहां के किसानों को इस इलायची पर एक रुपये में मात्र 23 पैसे मिलते हैं । बाकी तमाम मध्यवर्ती लोग, मिडिलमैन खा जाते हैं । वहां से संतरा भी बाहर भेजा जाता है । संतरों में उन लोगों को एक रुपये में मात्र 36 पैसे मिलते हैं । बाकी सारा मध्यवर्ती लोग खा जाते हैं । इस ढंग से अगर सारा काम चलता रहा तो वहां के लोग हमारे खिलाफ हो जाएंगे । इसलिए मैं यह चाहूंगा कि इस संबंध में सरकार कोई अविलम्ब कारगर कदम उठाये । वहां पर जो स्टेटलैस लोग हैं उनको नागरिकता प्रदान करे ।

श्रीमन्, मैं एक दो मिनट का समय और लेना चाहता हूं । एक बात यह भी है कि वहां पर जमीन की कुछ ऐसी स्थिति है कि अधिकांश जमीन लेपचा और मोटिया काजी लोगों के पास है । बटाईदारी का काम नेपाली लोग करते हैं । अभी स्थिति यह है कि 70–75 परसेंट नेपाली लोग ऐसे हैं जो बटाईदारी का काम करते हैं । यह तो तुरन्त संभव नहीं होगा कि जिस तरह से अन्य राज्यों में लैंड सीलिंग के कानून बनाये गये हैं उसी तरह से यहां पर भी बनाये जायें । अभी तो आपने बहुत से राज्यों के कानूनों को संविधान की सूची में रखा है । लेकिन प्रश्न यह है कि वहां पर भी इस प्रकार का कोई कानून बनाने में आपको कौन रोकता है जिससे वहां के बटाईदारों को भी जमीन के हक मिलें । अभी तो वहां पर आपकी सरकार है जिसके जरिए आप इस काम को कर सकते हैं । वहां पर दूसरे राज्यों से जो लोग जाते हैं उन पर स्पष्ट रोक लगाने की बात तो मैं नहीं करूंगा, लेकिन वहां की जनता का अंदेशा है कि बाहर से आए लोग हमारी तमाम चीजों पर हावी हो जाते हैं । बाहर से आने वाले लोगों से मेरा मतलब भारत के दूसरे प्रांतों से आने वाले लोगों से है । उनका यह अंदेशा दूर हो, इसलिए सरकार को इन बातों पर गंभीरतापूर्वक विचार करना चाहिए और वहां पर अभी जो राष्ट्रपति शासन है उसको जल्दी समाप्त करना चाहिए ।

SHRI LEONARD SOLOMAN SARING (Sikkim): Mr. Deputy Chairman, Sir, I rise to support the Resolution moved by the Home Minister for the extension of President's Rule in Sikkim.

Over the last two years, the administration in the State had come to a

[Shri Leonard Soloman Saring].

grinding halt. There were countless cases of mal-administration, corruption had touched unprecedented heights. It is a well known fact that the scandals Involving a number of large business houses in league with the previous government caused heavy loss to the exchequer through the excise scandals, the cement scandals the sugar scandals, the rice scandals and the Sikkim State Lottery scandals besides misuse of public funds, which has brought unprecedented hardships to the people of the States. At the top of that, communal tension is being fanned to create a law and order situation.

However, the task ahead is a difficult one. The demoralized administration has to be streamlined and people's confidence in the administration has to be regained. The pace of development which suffered, a great setback has to be accelerated, and benefit of development must percolate to the lowest strata of society. Though the special plans are made for weaker sections, Scheduled Caste, Scheduled Tribe, their implementation has not ^en proper and the benefits could not reach to communities. Only the influential people are getting the benefits. The special central assistance sanctioned for the distribution specially to the land-slide victims in North Sikkim who "have lost their lands, crops etc. who are all poor Scheduled Tribe people, had been denied funds by the State Government.

Physical barriers are there in Sikkim. Most parts of the year the National Highway 31A remains closed for traffic. Due to this road closure, the prices of all the essential commodities had risen considerably high, the effect of which will be borne by the weaker section of the communities. The national highway should be kept open all the time. Due to the weak bridges in many parts of National highway 31A and sinelp lane r.oa^ only £ve metric tonnes vehicles are allowed to pass which is below the standard of national highway. According to the statement of the Defence Minister, in tha House on 21st August, 1984, it will take 8 to 9 years to bring the road to the standard of the national highway. At present the Border Roads Organisation has already given the construction of two bridges, one at Rani Pool and other at Sangkhola Jali power House in National Highway 31A to the contractor, and ihe works are in progress. So, why not they also give all the weak bridges widening the work on National Highway. 31A on contract to finish the work within a stipulated time to make transport economical.

The North Sikkim Highway is closed since a decade at Lantha Khola putting the civilian and army personnel to great hardship. No protective works such as Jhora training, soil conservation work, has been taken up due to lack of funds. Special funds must be allocated for the developmental works giving higher priority for the soil conservation.

Financial irregularities are very extensive in the State. I quote from the local paper, the "EASTERN EXPRESS" dated July 26, 1984

> "Attempts Being Made to Cover up Sikkim Lottery Scandal
>
> Gangtok: A determined effort is being made to suppress the "scandal" unearthed recently in «the lottery department. According to well informed sources several senior officers of the Government have ganged up together to make sure that the scandal is pushed under the carpet and those involved are allowed to go free.

Practically there is no system of accounting, maintenance of stocks, and a lot of, wasteful, unproductive expenditure has been going on. Funds which*

ought to have been used for development activities had been spent for th© maintenance of the bureaucracy. Sikkim has allegedly spent Rs. 1.70 crores of rupees annually for the maintenance of 600 vehicles belonging to the Government. Each vehicle gets *» litres of petrol per month. Out of them, 400 vehicles get 200 litres of petrol extra per month, which are marked for field work. Additionally Rs. 20,000/- a year are spent on the maintenance of one vehicle.

There are lots of scope for expansion of tourism in Sikkim. Unfortunately, money given by the Centre for the development of tourism is spent on unproductive activities. This expenditure includes hlrTri? bfTJremisea for tourist offices in Delhi. Bo iy, posting a large number of staff etc. Instead of doing this, better promotional activities should be undertaken in the Sfete itself as done in other States.

Power shortage are felt in Sikkim. The lower Lgyap Hydel Project which was supposed to generate 18 megawatts, has been damaged sev — e'" . nd the power generation has gone down much. There are lots of perennial sources of water in Sikkim, which are being was!w! Without use. Efforts should be made to speed up other power projects like Miyong Chu, Rangit Khola and Teesta River (Lachen Lachung, Singhik Dikchu Hydel Scheme) so that the future requirement of the power for developmental and domestic needs are fulfilled.

Availability of essential commodities at control rates must be ensured. The communal harmony which is being disturbed by interested elements, must be maintained at any cost. The interest of the local population should be protected.

The people in the State must be brought to the main stream through the mass media of television. At present the television relay centre located in the State capital caters to ths periphery of Gangtok, Sikkim. People in the districts access to the Bangladesh television programme. I need hardly emphasise to the hon. Minister for Information and Broadcasting the need to give higher priority in locating the television relay centres in the border States.

A Central university now under consideration of the Government of India for Sikkim, should be opened immediately. The University must have the courses in Medical Science and Engineering and other technical courses because every year the State students have to suffer in getting the admission in other States. Specially our State has to spend lots of money in sending reference patients out of the State due to lack of medicai specialists. Special arrangements need to be made for the admission of Sikkim students in the specialist courses of the Government of India medical colleges either by allotting quota allowing relaxation of the minimum requirement of marks or otherwise. Industrial activities should be geared up by putting units of the BEL, the BHEL, the HEC etc. in Sikkim,, and encouragement for the agro-based industries should also be given for utilisation of the raw material available locally, so that all the local people may get employment. Market for the cash crons of Sikkim like cardamom, ginger *etc.* should be arranged in foreign countries too.

I, therefore, strongly support the resolution moved by the Home Minister and also request him to make certai 'e«?i^atibns within the framework of the Constitution in order to protect the various ethnic groups of Sikkim.

MT? TWDTJTY CHAIRMAN: Mr. P. Radhakrishna.

RHTJT PUTTAPAGA RADHAKRISHNA (Andhra Pradesh): Mr. Denu+v Chairman. Sir. wherever this article 356 of the Constitution appears, it looks like a Satan and ghost. Sir, the orovHon of this article was made in the Constitution to meet any contingencies in the States in the event

[Shri Puttapaga Radhakrishna]

of breakdown of constitutional machinery in those States. But in the recent times, the Government at the Centre has heen using this provision for meeting the political ends of the party that is ruling at the Centre. Sir, it is not for the first time this article has been used. There has been no discretion for using this article. It has become a stone in the hand of a mad. We do not know—where and when it will be used.

Sir, the Hon'ble Home Minister. Mr. P. V. Narasimha Rao who is now here in this House. I have many personal regards for him, he also became victim of this article once when he was the Chief Minister of our State of Andhra Pradesh for 16 months from the 29*h September 1971 to 18th January, 1973, if I correctly remember. Sir, one fine morning that is on the 18th January, 1973 he was asked to resign when he was enjoying about two-thirds majority in the Assembly—and the Satan 358 came to Hyderabad. Sir, there was no point in imposing the President's rule in the State. It was only meant for meeting the political ends of the Congress party at that time. Even today also we are very much afraid of article 856 likely to be used ia our State in the near future. Because it is a foregone conclusion that Mr. Bhaskara Rao* installed by the Congress-I Party in the State is bound to lose the confidence of the Assembly wherever and whenever it is called for. 'We can cover both put together.

Sir, in Sikkim also there was no break down of constitutional machinery. Mr Bhandari was enjoying the majority of the Assembly of the State. He was not allowed to form the Government. He was toppled and the article 856 was misused in Sikkim. Today again they, want to continue these powers under article 356 of the Constitution.

Sir, regarding our State it seems chwly that they are preparing the ground for imposing the Presidents rule. The recent statement of the Prime Minister itself shows that they are getting ready for taking action under thia provision. The Prime Minister has said on the other day that there were 3 MLCs and one BJP MLA in the strength of 162 MLAs when they met the President of India. Sir, I am very much confused about the statement of the Prime Minister. The Prime Minister must understand that there were not only one BJP MLA but 19 MLAs belonging to friendly parties out of 162 MLAs.

MR DEPUTY CHAIRMAN: Please conclude now.

SHRI PUTTAPAGA RADHAKRISHNA: Sir, I am one of the juniormost Members and please give me little more time.

MR. DEPUTY CHAIRMAN: All right, I, will give you one minute.

SHRI PUTTAPAGA RADHAKRISHNA: Sir. out of 162 MLAs who met the President of India, there were *19* MLAs from friendly parties like Janata Party, BJP. CPKM), CPI, PDF and some independents. There were 143 MLAs from the Telugu Desam pwty alone. The Prime Minister was saying that there were three MLCs. The Prime Minister must know that there were not three MLCs but there were 14 MLCs supporting Mr. N.T.R. and we six Members of Parliament had also gone there. But 162 MLAs and Mr. Upendra, the party General Secretary, were sitting in front of the President of India and we the MPs and MLCs were sitting in the opposite room. There wa» a clear account.

Sir, in this connection I would like to tell the Government that if at all any attempt is made to impose President's rule in our State, the people of Andhra Pradesh are not going to keep quiet. Crores of people will revolt against any such action of Mrs. Gandhi and the Central Government, and lakhs of youths wiH lay down their lives to save democracy. And then it will spread to the entire country. The Congress alone will be responsible for

the consequences. They will have to bear the responsibility. Thank you very much.

SHRI S. W. DHABE (Maharashtra): Mr. Deputy Chairman, Sir. I support what my friend. Mr. Mishra, has stated about the demand for including Nepali in the Eighth Schedule. In 1987 we included the Sindhi language in the Eighth Schedule. There ia no reason why the Nepali language which is spoken by a large number of people in Sikkim, in that area, should not be included in the Eighth Schedule. And we should take steps for the development of that language.

Sir, the long shadows of article 856 are hovering over the democratic life of our country. Tt ia used as a slaughterhouse for destroying and dismissing elected State Governments. Article 356 was never meant to be used for political purposes. The cardinal principle wliich has been given in article 356 is the failure of the constitutional machinery. And for that purpose, the Governors are appointed. It is a very important institution in our parliamentary life and the Govenor has to play his role impartially, creathig confidence in all sections of the House. Sir, they may succeed here or there in destabilising the State Governments. But ultimately the whole democratic set-up in our country will be eroded. Earlier when Pandit Jawaharlal Nehru wag the Prime Minister, Governors were appointed on the basis of impartiality and integrity. Today it is done the other way round. Today political discards who are not wanted heavy-weights in politics who may not be useful in the party or who will be troublesome in the politics at the Centre or Chief Ministers whose reputation or acty are under a cloud or persons who have no integrity in political life are being appointed as Governors. The result has been that they only act on the instructions of the Central Government and only act as a post office to carry out orders.

Sir, the institution of Governor is meant to carry out faithfully the political objectives of the Constitution. Ia that context, you find that the role of Governors now, right from Mr. Jagmohan to the Governor of Sikkim or of Andhra, is a sorry tale of our political life. A stock argument is given here: because the Janata Government dismissed nine State Governments when it came into power, why they should not do it. Always this stock argument is given by the other side, that the Janata Government did it. I hope the hon. Home Minister will consider seriously that thi$_s$ bad precedent should not be followed by thla Government. When we wer© sitting here in the Opposition, we all opposed it at that time. We said: "When they have thumping majorities in the Assemblies, why should they be dismissed? Le* them continue." On this matter, I need not quote all the precedents. But the most important test which has been laid down by the Constitution is that the Ministry must enjoy the confidence of the House. It is not a question of majority or minority. A minority Government in Kerala, the Government of Mr. Pattom Thanu Pillai with only 19 Members, was able to carry on because it enjoyed the confidence of the House. Similarly at the Centre in *1869* when the ruling party was not in absolute majority in Lok Sabha, still the Government was carried on because the ruling party was enjoying the confidence of the House and it was facing the House, But today, instead Of calling the Assembly, instead of giving an opportunity to the elected representatives to give their verdict, the Governor destabilised and dismissed the majority party Government and installed another party thus exposing himself to the charge that he was acting in a partial manner. What happens, in the ultimate analysis is not material. But the people have got an impression that the Governor Was acting in a partisan way arid there will be demands that the institution of Governor should go from the Constitution. In my opinion the institution of Governor is any important for carrying out the duties and functions

[Shri S. W. Dhabe]

assigned to him under the Constitution insofar as the north-eastern States ar© concerned, we have Part XXI in the Constitution which has special provisions and temporary and transitional provisions under Article 371. Unlike the provision where the Governor is bound by the advice of the Cabinet, under this Article. 371, a special provision is made that the Governor may act in a special discretion and the Governor of Sikkim under Article 371F(g) has got a special responsibility^

> "....for peace and for an equitable arrangement for ensuring the social and economic advancement of different sections of the population of Sikkim and in the discharge of his special responsibility under this olause, the Governor of Sikkim shall, subject to such directions as the President may, from time to time? deem fit to issue, act in his discretion."

A Member of the CPM was just now saying that there is no advancement made in Sikkim in economic development. There is no progress in regard to roads, industry and other things. The major problem in Assam is economic backwardness and unemployment. It is these which gave rise to the agitation in Assam. Similarly we have got a special responsibility for these areas which are joined in our federal structure. These units should be given a special treatment so far as economic advancement is concerned. I am sorry to say that the role of Governor in Sikkim has been to destabilise *he Government and topple it. There are many complaints against the Governor and I do not want to go into them now. But I would like the Home Minister to consider this particular aspect that Article S71F(g) requires general directions to be given bv the President for •he economic development which the Governor carries out in exercise of his special responsibility. Sikkim is a very small State. Why do you want extension of time. Six months' time has already been given. There is no failure of the Constitutional machinery. It is a failure of the Central Government. Why should you avoid election? Whatever government is there, you are in any case not affected materially at the Centre. The small-area States should be given a special treatment. In my opinion, immediately on the expiry of six months elections should be held and let there be an elected government in Sikkim.

SHRI BIJOY KRISHNA HANDIQUE (Assam): I rise to support the statutory resolution moved by the honourable Minister of Home Affairs. It is not quarrel be'ween Talyar Khan and Narsing Bhandari. There is no point in criticising them here. Those are non-issues. What is important is that a situation prevails at the moment following the tension that has been building for quite some time in this strategically located Himalayan State. In such a situation it is inopportune to hold elections. Just three days ago we have passed the Fifty-third Constitution Amendment Bill to reserve seats in the Legislature and the House of the People for as many as four States in the north-eastern region. What was the reason? Because, we wanted to give the indigenous tribal people avenues and opportunities to meet their aspirations and to preserve their ethnic character and cultural identity. Since 1960 we have been creating separate States with the same objective so that these indigenous tribal people can look after their own interests and they can shape their own destiny according to their own light and genius as envisaged by the framers of the Constitution. This objective was defeated because of massive influx of non-tribal people from different States, reducing the indigenous people to minority. This defeats the very purpose and objective of creating separate States. Now that problem has arisen in Sikkim

also. The same sentiment agitates the Sikkimese people. They are threatened by a steady influx of non-Sikkimese people.

If you look at the census figure, Sikkim's population rose during the last years mainly due to influx from 2.10 lakhs in 1971 to 3.16 lakhs in 1981, showing a record increase ot one lakh in a decade. Sikkim had approximately 60,000 people in 1901. The figure rose steadily to about one lakh in 1931 and reached only 1.60 lakhs after 30 years in 1961. Thus it is evident that influx has increased phenominally after the merger in 1974. And the increase was about a Iakh in three decades upto 1961 as against a lakh in one decade alone in ISSI. }.

At the time of merger, the tripartite agreement of 1973 and the Government of India Act of 1971, which led to the Kingdom's integration with India, ensured fair representation in the Assembly so that no single section of the population acquires a dominating position due mainly to its ethnic origin. The 36th Constitutional Amendment of 1975 which made Sikkim the 22nd State of the Indian Union laid down special provisions protecting the rights and interests of different sections of population by inserting article 371-F in the Constitution. Accordingly the Representation of the People Act was amended giving full protection to the Sikkim's three ethnic communities, the Lepchas, the Bhutiyas and the ethnic Nepalese. From the very beginning of her history. Sikkim has recognised these three indigenous communities. Since the inception of elections in 1951 and right down to 1974, this communal basis of the parity structure was maintained. But this structure has now been threatened by a massive influx. These people are mostly of Nepalese origin. Even the ethnic Ntepalese feel inser-u*-*. They feel threatened economically, if not culturally. At the top of that, there is an attempt to give political rights to a large number of outsiders even though their claim to citizenship is exposed to serious objections. This also needs to be resolved.

My purpose of referring to this problem is not to discuss a solution of this problem, but to emphasize the fact that this is a serious situation emerging out of the complex demographic pattern. Such a situation is not desirable in a border State like Sikkim. What I apprehend is that taking advantage of this burning controversy, there may be attempts by foreign forces to inflame communal passion in a bid to distabilise the region. There are such forces inside and outside which may try to inflame communal passion and create law and order situation. I do admit that this problem needs to be resolved by doing full justice to all in a harmonious climate. We cannot afford any sort of tension Or controversy in which more than one community is involved. At thg moment it is imperative that such disputes leading to confrontation must not be allowed to develop in the border State and, therefore, election is not advisable and there should be extension of President's rule. And, Sir, at the top of it, we have been hearing slogans liko "No reservation, no elections". So it is evident that there may be violence and a law and order situation in that State. My friend, Shri Jaswant Singh—of course, he is not here now—asked whether we want to strengthen the democratic policy in this country or not. You see we brought Sikkim into the national mainstream of India as a part and percel of India. But it is not enough to ask them just to remain in the national mainstream. What is essential is that we have to fulfil the democratic aspirations of the people, and their democratic aspiration,; for fair representation in their legislative body need to be met and that has now been done by the Government. It should be ensured that Justice be done to these people in fulfilling their aspirations, democratic aspirations. Now,

[Shri Bijoy Krishna Handique] election$_8$ b*ing round the corner with such a controversy dogging the political life of Sikkim, making it tension ridden. President's Rule ia the only answer in this situation. In fact, during this period, I do believe, that this Government will give paramount importance to its development which my friend from Sikkim, Mr. Saring, ha$_3$ already stated. We should bear in mind that a well-contented people on the border is itself a security for the country. Thank you, Sir.

SHRI P. V. NARASIMHA RAO: Sir, I am grateful to the honourable Members who have participated in this debate. The only comment that I would like to mak$_e$ i$_s$ that some $_0$f them wanted what may be called a deferred debate, a debate which we should have had three months back or in the early stages of this Session, but which they obviously missed and which they tried to resurrect today.

Sir, i would like to respectfully submit that we are on a different subject. We are not on *the* subject of whether article 356 ought to have been applied to Sikkim or not. That hag been done. There are any number of instances and precedents in the past decades in which the same action was taken on almost idential grounds or similar grounds. So, we don't have to sally forth into a general discussion of article 356 at this stage. But the pertinent points raised by Mr. Dhabe, for instanc$_e$ and by Mr. Mohanarangam are the points which are to be met and to which answers must be given and I am glad that Mr. Chaturanan Mishra from the other side and Mr. Handique from this side have also highlighted these problems. These problems aie partly inherited and partly created later. As is well known, the representation to the different sections of the people in Sikkim was as follows at the time of merger:

Bhutias-Lepchas-----	13 including Saughal.
Nepalese of Sikkimese origin..	.13
Scheduled Caste$_s$	2
General seats ...	4
TOTAL	,32

Now, thig wa$_s$ agreed to and this was going on. But, in 1079, there was ain Ordinance. That Ordinanc$_e$ did away with the reservation given to Nepalese of Sikkimese origin. As I said, they had 13 reserved seats and they were done away with and any other pattern wa$_s$ introduced, namely:

Bhutias-L#pchaa * ___	12
Scheduled Castes __	2
Sangha$_a$ or Monasteries	1, and
General seats	17

Now, there is a controversy naturally. because there has been such a sea-change in the representation given, and this controversy, I submit, should not become an election issue. This is the anxiety of the Government of India and thig should b the anxiety of all sections of the House here.

The second point is about the citizenship which a few thousands of people are asking for. They have been left out of the Sikkim 'Subjects* Register or whatever wag maintained earlier. They found that their names were not included in that. They are now asking for inclusion. And unless they are included, until they are included, they remain as Stateless persons. Or they are asking to Stateless persons, in any case, i$_n$ the context of the elections we have to decide what i$_s$ to be don$_e$ about them. Do they become citizens? Do they become voters? Do they get electoral right*? Or do we just leav$_e$ them floating? These are the questions which are very important. They have nothing to do with any $_0$n$_e$ party. These questions need to be gone into and settled in the context of the elections. It is (not just economic development and things like that, although those problems are equally important. Any Government would have to look into them, whether under the President rule o$_r$ a popular Government. We are faced with these two very impor-

tant problems plus the language issue, which is an all-India question anyway, because there are Nepalese-speaking people in other parts of the country also. It is not specific to Sikkim. But it has a certain significance in the Sikkimese context. These are the two or three important questions which we haye to sort out, if we do not allow them or do not want to allow them to become election issues. This is the background against which extension if being sought. It is a matter concerned with 'he whoie Sikkimese people and we have to sort it out in the interests of <he nation as a whole. We just cannot allow any of these problems, any oi these issues, to be a divisive issue at the time of election. That is why thl3 extension is being sought. This ia for a specific purpose. I am sorry that Shri A. P. Sharma has been brought in, Mr. Ram Lal has been brought in, Andhra Pradesh has been bTjbu'^ht in... (Intteirruptions) West Bengal has been brought in. Finally, Sikkim has become a peg to hang the l West Bengal hat, Andhra hat and so many other hats are being hung on tMs peg, Sir. That is not at all relevant. *(Interruptions)*

श्री चतुरानन मिश्र : आप का कान्क्रीट सोल्यूशन क्या है ?

श्री पी० वी० नरसिंह राव : इसी के लिए मैं कह रहा हूं अभी समय लगेगा। अभी जो राज्यपाल हैं वह अपनी तरफ से कोशिश कर रहे हैं । कोशिश तो हमारी होगी कि उस से कोई ऐसा नतीजा निकले, कोई ऐसा हल निकले जिससे यह इलेक्शन में एक इशू बन कर खड़ा न हो जाये। यह हमारी कोशिश है, इसीलिए कुछ समय चाहिए, महीने-दो महीने में नहीं होगा, सभी लोगों से बात करनी पड़ेगी और इसी कारण हम यह एक्सटेंशन चाहते हैं ।

MR. DEPUTY CHAIRMAN: The question is:

"That this House approves the continuance in force of the Proclamation issued by the President on ithe 25th May 1984% under article 356 of the Constitution, in relation to the State of Sikkim, for a further period of six months, with effect from the 25th November, 1984"

The motion was adopted.

STATUTORY RESOLUTION BE: CONTINUANCE IN FORCE OF THE PROCLAMATION ISSUED BY THE PRESDDENT ON THE 6TH OCTOBER 1983, UNDER ARTICLES 356 OF THE CONSTITUTION, IN RELATION TO THE STATE OF PUNJAB

THE MINISTER OF HOME AFFAIRS (SHRI P. V. NARASIMHA RAO): Sir, I beg to move:

"That this House approves the continuance in force of the Proclamation issued by the President on the 6th October, 1983, under article 356 of the Constitution, in relation to the State of Punjab, for a further period of six months with, effect from the 6th October, 1984."

The question was proposed.

MR. DEPUTY CHAIRMAN: I think this matter has been discussed many times. Some Members may speak. But there is no need for a long debate.

SHRI K. MOHANAN (Kerala): Mr. Deputy Chairman, Sir, just now we have finished discussion on a resolution seeking approval for extending the President's rule in Sikkim for another six months. The participants in that discussion talked about the impropriety on the part of the Government to impose President's rule in the State of Sikkim. But the im-